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Docket No. 564462006000

certify that this correspondence is being deposited with the U.S. Postal cice as Express Mail, Airbill No. EV 391 877 875 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below

Dated: March /0, 2005

MAR 1 0 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Walter CALLEN et al.

Serial No.: 10/081,739

Filing Date: February 21, 2002

For: ENZYMES HAVING ALPHA

AMYLASE ACTIVITY AND METHODS

OF USE THEREOF

Examiner: M. Rao

Group Art Unit: 1652

SUPPLEMENTAL INFORMATION DISCLOSURE **STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

03/15/2005 EABUBAK1 00000082 031952 10081739

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PTO/SB/17 (12-04v2)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE d to a collection of information unless it displays a valid OMB control number.

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| Fees pursuant to th | Effective on 12/08/ ne Consolidated Approp | | R. 4818). | Application Nun | | 0/081,739 | | |
| FFF | TRANS | MITTAL | · | Filing Date | | ebruary 21, | 2002 | |
| | | | • | First Named Inv | entor V | Valter CALLI | EN | |
| | For FY 20 |)05 | | Examiner Name | | M. Rao | | |
| X Applicant | claims small entity state | us. See 37 CFR 1.2 | 27 | Art Unit | 1 | 652 | | |
| TOTAL AMOUN | IT OF PAYMENT | (\$) 180.00 |) | Attorney Docket | No. 5 | 6446200600 | 00 | |
| METHOD OF | PAYMENT (check | all that apply) | | | | | | |
| Check | Credit Card | Money Order | Nor | ne Other (| please identit | fy): | | |
| x Deposit Acc | count Deposit Acc | ount Number: 03- | 1952 | _ Deposit Account Na | me: | Morrison & | Foerster LLP | |
| For the a | bove-identified depo | sit account, the D | Director is | hereby authorize | ed to: (check | all that apply | <i>(</i>) | |
| x Ch | arge fee(s) indicated | l below | | Charge | e fee(s) indi | cated below, | except for the | filing fee |
| | arge any additional f (s) under 37 CFR 1 | | ment of | x Credit | any overpay | yments | | |
| FEE CALCUL | ATION | | | | | | | |
| 1. BASIC FILING | S, SEARCH, AND E | XAMINATION FE | ES | | | | | |
| Application Ty | | LING FEES Small Entity | SEA Fee (\$ | ARCH FEES Small Entity | EXAMINA Fee (\$) | ATION FEES Small Entity | | id (\$) |
| Utility | 300 |) <u>Fee (\$)</u> 150 | 500 | Fee (\$) 250 | 200 | <u>Fee (\$)</u> 100 | <u>1 663 F a</u> | <u>ια (ψ)</u> |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | - | |
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| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | | |
| 2. EXCESS CLA Fee Description | IIM FEES | | | | | | Fee (\$) | nall Entity Fee (\$) |
| | 20 (including Reiss | ues) | | | | | 50 | 25 |
| | nt claim over 3 (incl | • | | | | | 200 | 100 |
| Multiple depend | , | ading recorded) | | | | | 360 | 180 |
| Total Claims | Extra Claims | Fee (\$) | Fee F | Paid (\$) | Mu | Itiple Depend | | .00 |
| | 20 = | | | | Fee | | Fee Paid (\$) | |
| Indep. Claims | Extra Claims | Fee (\$) | Fee F | Paid (\$) | | | | |
| | 3 = | · = _ | | | | | | |
| 3. APPLICATION | | | | | | | | |
| | tion and drawings ex | | | | | | | |
| | er 37 CFR 1.52(e)), to ction thereof. See 3 | | | | or small en | iity) for each | additional 50 | |
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| Total Sheets | - 100 = <u>Extra Sheet</u> | | or each a | dditional 50 or fract (round up to a who | | <u>Fee (\$)</u> | Fee Pa | <u>iu (\$)</u> |
| 4. OTHER FEE(S | · | | , | (round up to a wine | ne number) x | · | Fees Pa | |
| • | Specification, \$130 |) fee (no small er | ntity disco | ount) | | | 100011 | .ια (ψ <i>1</i> |
| _ | ate filing surcharge): | • | • | • | Disclosure | Statement | 180. | 00 |
| SUBMITTED BY | /) / | 7/2 | 7 | | | | | |
| Signature | 2011 | ENVE | 2 | Registration No. (Attorney/Agent) | 38,440 | Telephone | (858) 720- | 5133 |
| Name (Print/Type) | Gregory P. Einho | m | | | | Date | March _9 | , 2005 |

| | This In | formation Disclosure Statement is submitted: |
|-------------|-------------|--|
| | With | the application; accordingly, no fee or separate requirements are required. |
| | Befor | e the mailing of a first Office Action after the filing of a Request for Continued |
| | Exam | ination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 |
| | (e)(1) | has been provided. |
| | Withi | n three months of the application filing date or before mailing of a first Office Action |
| | on the | e merits; accordingly, no fee or separate requirements are required. However, if |
| | | cable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided. |
| \boxtimes | After | receipt of a first Office Action on the merits but before mailing of a final Office Action |
| | or No | tice of Allowance. |
| | | A fee is required. A check in the amount of is enclosed. |
| | \boxtimes | A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to |
| | | this submission in duplicate. |
| | | A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is |
| | | believed to be due. |
| | After | mailing of a final Office Action or Notice of Allowance, but before payment of the |
| | issue | fee. |
| | | A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the |
| | | amount of is enclosed. |
| | | A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal |
| | | form (PTO/SB/17 is attached to this submission in duplicate.) |

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 564462006000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March <u>9</u>, 2005

Respectfully submitted,

Gregory P. Einhorn

Registration No.: 38,440

MORRISON & FOERSTER LLP 3811 Valley Centre Drive, Suite 500

San Diego, California 92130

(858) 720-5133



| Sub | stitute for form 1449/PTO | | | | Complete if Known per 10/081,739 | |
|-------|---------------------------|----------------------|---------------|------------------------|--|--|
| | | | | Application Number | 10/081,739 | |
| IN | IFORMATION | N DI | SCLOSURE | Filing Date | February 21, 2002 | |
| S | STATEMENT BY APPLICANT | First Named Inventor | Walter CALLEN | | | |
| | | | | Art Unit | 1652 | |
| | (Use as many sh | eets as | s necessary) | Examiner Name | M. Rao | |
| Sheet | 1 | of | 1 | Attorney Docket Number | 564462006000 | |

| | U.S. PATENT DOCUMENTS | | | | |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No.1 | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| | | FOREIG | ON PATENT D | OCUMENTS | | |
|-----------------------|--------------------------|---|-----------------------------|--|---|--|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | |
| | | | | | | |

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

| | | NON PATENT LITERATURE DOCUMENTS | |
|----------------------|--------------|---|----------------|
| Examiner Initials | Cite No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | 1. | Bork, P. (2000). Genome Research 10:348-400. | |
| | 2. | Broun et al. (1998). Science 282:1315-1317. | |
| | 3. | Fox et al. (1991). Anal. Biochem. 195(1):93-96. | |
| | 4. | Seffernick et al. (2001). J. of Bacteriol. 183(8):2405-2410. | |
| | 5. | Van de Loo et al. (1995). Proc. Natl. Acad. Sci. 92(15):6743-6747. | |
| | 6. | Witkowski et al. (1999). Biochemistry 38:11643-11650. | |
| | 7. | Wong et al. (2000). J. Agric. Food Chem., 48(10):4540-4543. | |
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^{*}EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| Examiner | - | Date | |
|-----------|---|------------|--|
| Signature | | Considered | |

Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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| Under the Paperwork Reduction Act of 1995, no pers | ons are required | U.S. Patent and Tr. | PTO/SB/21 ved for use through 07/31/2006. OMB 0651-00: ademark Office; U.S. DEPARTMENT OF COMM nformation upless it displays a valid OMB control to |
|---|--|----------------------|--|
| TRADE MAN TRADE | ons are required | Application Number | 10/081,739 |
| TRANSMITTAL | _ | Filing Date | February 21, 2002 |
| FORM | _ | First Named Inventor | Walter CALLEN |
| (to be used for all correspondence after initia | l filing) | Art Unit | 1652 |
| (to be used for all correspondence after imital | , ming) | Examiner Name | M. Rao |
| Total Number of Pages in This Submission | 8 | Attorney Docket Numb | er 564462006000 |
| ENCL | OSURES | (Check all that app | ly) |
| X Fee Transmittal Form (1 page + duplicate) | Drawing(s) | | After Allowance Communication to TC |
| Fee Attached | Licensing-rel | ated Papers | Appeal Communication to Board of Appeals and Interferences |
| Amendment/Reply | Petition | | Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| After Final | Petition to Convert to a Provisional Application | | Proprietary Information |
| Affidavits/declaration(s) | Power of Attorney, Revocation Change of Correspondence Address | | Status Letter |
| Extension of Time Request | Terminal Disclaimer | | X Other Enclosure(s) (please Identify below): |
| Express Abandonment Request | Request for Refund | | Form PTO/SB/08a/b (1 page + duplicate) |
| X Information Disclosure Statement (3 pages) | CD, Number of CD(s) | | 7 References Return Receipt Postcard |
| Certified Copy of Priority Document(s) | Landso | cape Table on CD | |
| Reply to Missing Parts/ Incomplete Application | Remarks | | |
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| N | | ANT, ATTORNEY, OF | RAGENT |
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| Gregory P. Einhorn | | ··· | |
| March <u>09</u> , 2005 | | Reg. No. | 38,440 |

Dated: March _______, 2005

Signature Shea Comed